S.B.CRIMINAL MISC. BAIL APPLICATION NO.4921/2007
(Devi Lal & Anr. vs. State of Rajasthan)

DATE OF ORDER : October 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

There are serious allegations against petitioner No.1 causing harassment and cruelty in connection with demand of dowry. Petitioner No.1 being husband of the complainant, in my my, it is not a fit case to grant anticipatory bail to the petitioner No.1.

The bail application filed by petitioner No.1 Devi Lal under section 438 Cr.P.C. is, therefore, dismissed.

However, having regard to the facts and circumstances of the case and the fact that petitioner No.2 is said to have been contacted marriage with Devi Lal while subsisting his earlier marriage with complainant and the offence under section 494 I.P.C. is bailable, I consider it just and proper to grant anticipatory bail to petitioner No.2 Smt. Vidhya Devi.

Accordingly, the bail application filed by petitioner No.2 Smt. Vidhya Devi under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.2 Smt. Vidhya Devi D/o Kishan Lal in FIR No.550/2007, Police Station, Rajnagar, Distt. Rajsamand, she shall be released on bail for a period till the police concludes the investigation and files the challan provided she furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

Petitioner No.2 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-